

#8

**FISH & NEAVE**

10/040,837

filed
10/15/2002

FACSIMILE TRANSMISSION

<u>TO</u>	<u>COMPANY/FIRM</u>	<u>RECIPIENT FAX</u>	<u>RECIPIENT PHONE</u>
Ms. Frances Hicks	United States Patent and Trademark Office	703.308.6916	703.305.8680

<u>SENDER</u>	<u>DATE</u>	<u>SENDER'S FAX</u>	<u>SENDER'S PHONE</u>
Andrew Van Court	October 15, 2002	646.728.2670	212.596.9103

<u>CLIENT</u>	<u>RE:</u>	<u>TIME</u>	<u>PAGES (INCLUDING COVER)</u>
	CF-37: App. No. 10/147,269 Conf. No. 9358		
	CF-45: App. No. 10/144,695 Conf. No. 5208		OCT 15 2002
00741.001			5

MESSAGE**Ms. Hicks:**

Thank you for calling our office Thursday, October 10, 2002 regarding the Petitions for the above-identified patent applications.

I enclose, per your request, a copy of the latest letter sent to the legal representative of the deceased inventor for the above-identified cases. The letter confirms that a copy of the above-identified patent applications were provided to the legal representative.

If you have any questions or comments, please feel free to call me or Joel Weiss.

Sincerely,

Andrew Van Court
Patent Agent

This communication is intended only for the use of the addressee and may contain information that is privileged and confidential. If you are not the intended recipient, you are hereby notified that the unauthorized dissemination of the communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone. If not completely received, please call back at 212.596.9300 as soon as possible.

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 Lisa Sherman

Frederick P. Fish 1855-1930 Charles Neave 1867-1937

*California and New York Bars **California Bar Only

JOEL WEISS

DIRECT DIAL 212.596.9222

September 30, 2002

BY FEDERAL EXPRESS

Ms. Mary Ann Gilbert
 5 Scarlet Oak Drive
 Califon, NJ 07830

OCT 15 2002

Dear Ms. Gilbert:

As detailed in our letter to you dated January 15, 2002, we are outside patent attorneys for Cantor Fitzgerald and represent Cantor Fitzgerald on numerous patent matters, including obtaining patents on inventions that your husband made while he was employed by Cantor Fitzgerald. We need your assistance with respect to obtaining patents for several of those inventions.

Although we have sent you several patent applications, along with their respective declarations, powers of attorney, and assignments in the past, we were not explicitly clear as to which patent applications and accompanying documents were enclosed.

Accordingly, please find enclosed copies of several patent applications that Andrew was working on. A detailed list of these patent application is shown below. Certain formalities – i.e., signing of the required documentation – for these applications still remain to be completed. Applications for patents may be executed by the legal representatives of the inventor. Accordingly, we need to have documents signed by Andrew's legal representative

FISH & NEAVE

Ms. Mary Ann Gilbert
September 30, 2002
Page 2

(executor, administrator, heir or heirs, etc.) for each of his patent applications. We also need assurance by the legal representative of his or her power or authority.

The enclosed patent applications may include one or more of the following documents that we need to have signed and are as follows:

1. Declaration and Power of Attorney for Patent Application (attached to each enclosed copy of the patent application);
2. Assignment of rights to eSpeed, Inc. (an affiliate of Cantor Fitzgerald) for non-provisional application; and/or
3. Assignment of rights to eSpeed, Inc. for provisional application.

The first document declares that Andrew was one of a group of inventors that invented the subject matter in that patent application. The first document also gives our firm Power of Attorney to prosecute that application before the United States Patent and Trademark Office.

The second and third documents assign rights in the non-provisional and provisional patent applications (if required), respectively, to eSpeed, Inc. Andrew was legally obligated by his employment agreement* to sign all required documents to transfer ownership to

* The employment agreement states in pertinent part, "Cantor Fitzgerald owns all the tangible and intangible work product originated or developed by employees in connection with their employment, even if developed outside the Firm's premises. As a condition of your employment you agree that Cantor Fitzgerald shall have exclusive ownership of any and all right, title, and interest in (1) all copyright, trademarks, service mark rights, patents or processes associated with any work, mark, invention or process produced during the course of your employment which was originated or developed in connection with such employment; and (2) any such proprietary rights with respect to any invention or process originated or such proprietary rights with respect to any invention or process originated or developed in connection with your employment reduced to practice following the termination of your employment, if the invention or process existed in an intangible form prior to such termination, even if it was not workable at that time.

(continued...)

FISH & NEAVE

Ms. Mary Ann Gilbert
September 30, 2002
Page 3

Cantor Fitzgerald of the inventions that he invented while working for Cantor Fitzgerald (for internal corporate reasons, we request that you assign the inventions to eSpeed, Inc.)

Listed in the table below are the attorney docket numbers and application numbers corresponding to each of the enclosed patent applications, and the enclosed documents that need to be signed for each of Andrew's patent applications.

Docket No.	Application No.	Declaration Included	Assignment Included	Prov. Assignment Included
CF-19	09/853,430	NO	YES	NO
CF-20	09/846,025	YES	YES	NO
CF-27	09/995,698	YES	YES	YES
CF-28	09/858,091	NO	YES	NO
CF-30	10/015,738	YES	YES	YES
CF-34	10/047,607	YES	YES	YES
CF-37	10/147,269	YES	YES	YES
CF-40	09/981,565	YES	YES	YES
CF-41	09/982,709	YES	YES	NO
CF-43	10/171,437	YES	YES	YES
CF-45	10/144,695	YES	YES	YES
CF-46	10/042,371	YES	YES	NO
CF-50	10/113,841	YES	YES	YES

* (...continued)

As further condition of your employment, you agree to execute any and all documents necessary to protect and preserve Cantor Fitzgerald's proprietary rights in copyrights, trademarks, service marks, patents, processes and trade secrets even if you are no longer employed by the Firm and including at Cantor Fitzgerald's request, you agree to confirm such assignment in writing. . . ."

FISH & NEAVE

Ms. Mary Ann Gilbert
September 30, 2002
Page 4



CF-51	10/040,837	YES	YES	NO
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If you have any questions concerning these documents, or would simply like a broader explanation of the import of these documents, please feel free to call me or to consult other counsel.

We have assumed that you are your husband's legal representative. If so, please complete the enclosed two documents and return them to me in the enclosed self-addressed, postage-paid, return envelope. We will consider our receipt of the signed documents from you as your assurance to us that you are the legal representative.

If you are not your husband's legal representative, please tell me how to contact that person so that we can get him or her to sign the enclosed documents.

Again, if you have any questions, please call me. If you would prefer to speak to someone at Cantor Fitzgerald about this, I suggest Mr. Howard H. Lutnick, tel.: (212) 821-6968.

We are required by law to make a diligent effort to secure your participation in completing these applications prior to proceeding without your participation.

This letter is one of several we have sent you after our initial letter of January 15, 2002. We have not received any signed documents from you at any time after any of those letters. However, we would greatly appreciate your help and look forward to hearing from you. In the event that we do not hear from you within two weeks of this letter, we will proceed with the application process on behalf of Cantor Fitzgerald without the signed documents.

Sincerely yours,

Joel Weiss

JW:jw
Enclosures

cc: Stephen Merkel, Esq. (w/o enc.)